

OFFICIAL MINUTES MAY 28, 2014
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

Page 1 of 10

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Stu Ferguson	X		

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Pam Cunningham, Tom Pulaski, Jani Pulaski, Nancy Pierce, Russ Forrest, Rick Lamport, Jan Bjornstad, Colleen Strauss, and Lisa Holland.

- I. **CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON**
- II. **PLEDGE OF ALLEGIANCE TO THE FLAG**
- III. **UNSCHEDULED CITIZENS.** There were none
- IV. **PUBLIC HEARING AND POSSIBLE ACTION** - Conditional Use application, CU 14-4, submitted by Tom and Jani Pulaski, to allow townhomes at 101 North 10th Street, within the Commercial zone district.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:01 p.m.

Proof of publication. There was proof of publication.

Review of the Process. Planner Ruggera reviewed the process for a Conditional Use for a Townhome in the Commercial zone district.

Applicant Presentation. Tom Pulaski addressed the Commission. He stated that in addition to the information already provided to the Commission, they are proposing to build an 11-unit carport and a storage unit on the large vacant area on the west side of the property. Director Westbay stated that this will be under a building permit so the *Building Code* will address any issues.

In response to a question from the Commission, Mr. Pulaski said that the property line issue [which was brought up at the May 14th meeting by an adjoining property owner] has been resolved.

Public Input. There was none.

Staff Presentation. Planner Ruggera reviewed the Staff Observations and stated she had nothing further to add.

Commission Discussion. There was none.

Close Public Hearing. Chair Larson closed the public hearing at 7:05 pm.

COMMISSION ACTION. During the Planning and Zoning Commission meeting of May 28, 2014, Commissioner Beda moved, Commissioner Cave seconded and the Planning and Zoning Commission voted to APPROVE Conditional Use application, CU 14-4, submitted by Tom and Jani Pulaski for the use of townhomes at 101 North 10th Street, with the following Findings of Fact and Condition:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Conditional Use to allow the applicant to pursue a common interest community plat.
3. The Planning and Zoning Commission finds that an application for a Minor Subdivision of a 1.9 acre parcel into two lots has been submitted and the townhomes are proposed on the resultant Parcel A.
4. The Planning and Zoning Commission finds that the site is developed and the common interest community is compatible with the surrounding neighborhood.
5. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established through the Minor Subdivision.
6. The Planning and Zoning Commission finds that a non-motorized public access will be provided in the 30' wide north/south utility easement.
7. The Planning and Zoning Commission finds that a new water line is proposed for the resultant Parcel B.
8. The Planning and Zoning Commission finds that there are two nonconforming structures on the site in regard to the front setback. A minimum of 15 feet is required and an approximate five foot setback exists. The Commission further finds that a Variance Application has been submitted and will be reviewed by the Zoning Board of Adjustments and Appeals on June 11, 2014.
9. The Planning and Zoning Commission finds that the review standards for Conditional Uses have been or will be met based on the following condition:

Condition:

1. The applicant shall construct a new private water service line to serve Parcel B.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, Ferguson, Cave, Beda
Roll Call No:
Roll Call Abstain:
Motion carried

Because the Public Hearing for CU 14-1 was scheduled for 7:20 and there were a few minutes remaining, Chair Larson revised the order of the agenda to allow the Pulaski's application for SB 14-1, Minor Subdivision Final Plat to be considered next.

- V. **POSSIBLE ACTION** - Minor Subdivision, Final Plat SB 14-1, submitted by Tom and Jani Pulaski, to subdivide one parcel into two parcels located at 101 North 10th Street.

Commissioner Ferchau and Commissioner Niemeyer asked staff for clarification on process for the minor subdivision and townhome plat, which Director Westbay answered.

Review of the Process. Planner Ruggera reviewed the process for a Minor Subdivision Final Plat. She noted that the Conditions on the Preliminary Plat approval have been met except for the new water line, which is a Condition for the Final Plat.

Applicant Presentation. The applicant had nothing further to add.

Public Input. There was none

Commission Discussion. There was none.

Close Public Hearing. Chair Larson closed the public hearing __7:30 p.m.

ACTION

During the Planning and Zoning Commission meeting of May 28, 2014, Commissioner Niemeyer moved, Commissioner Tocke seconded and the Planning and Zoning Commission voted to recommend APPROVAL, to City Council, of Minor Subdivision Final Plat, SB 14-1, Pulaski Subdivision with the following Findings of Fact and Condition:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this application is for a Minor Subdivision of a 1.9 acre parcel into two lots and the proposed lot configurations comply with minimum lot size and frontage standards established by the *LDC*.
3. The Planning and Zoning Commission finds that the property is located in the Commercial zone district and that the applicant intends to ultimately plat 17 of the units as a common interest community (townhomes).
4. The Planning and Zoning Commission finds that the subdivision of the subject property is compatible with the surrounding neighborhood.
5. The Planning and Zoning Commission finds that appropriate easements for utilities and access have been established.
6. The Planning and Zoning Commission finds that a non-motorized public access within the 30' wide north/south utility easement is to be dedicated to the City when the plat is recorded.

7. The Planning and Zoning Commission finds that a new service water line is required for the resultant Parcel B.
8. The Planning and Zoning Commission finds that there are two nonconforming structures on the site in regard to the front setback. A minimum of 15 feet is required and an approximate five foot setback exists. A Variance Application will be pursued prior to a Townhome Plat application.
9. The Planning and Zoning Commission finds that the eight review standards for subdivisions have been or will be met based on the following Condition:

Condition:

1. A new service water line is required for Parcel B.

Roll Call Yes: Ferchau, Larson, Cave, Beda, Ferguson, Tocke, Niemeyer
Roll Call No:
Roll Call Abstain:

Motion carried

VI. PUBLIC HEARING AND POSSIBLE ACTION – Conditional Use application, CU 14-1, submitted by Nancy Pierce for the operation of a daycare center at 611 and 617 West Virginia located within the Commercial zone district.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:20 p.m.

Proof of publication. There was proof of publication.

Review of the Process. Planner Ruggera reviewed the process for a Conditional Use for a Daycare Center. In 2006, a Conditional Use for a daycare school was granted for the property at 617 West Virginia, which allows up to 12 children. A use for more than 12 children is a daycare center. The applicant is purchasing the 611 West Virginia site and the two properties would be operated as two separate facilities with the younger children at the 617 W. Virginia location and the older children at 611 West Virginia.

Applicant Presentation. Nancy Pierce and Jennifer Bjornstad addressed the Commission. Ms. Pierce stated that in 2007 she started the Seasons School House. The business is now a nonprofit. The facility is operating at full capacity with a waiting list. The applicant stated she wants to have a summer program where children will have shelter from the summer storms [as opposed to programs in the park]. She said that in talking to parents and researching, a lot of summer programs don't have an academic piece, which her program will.

Public Input. There was none

Staff Presentation: Planner Ruggera stated that the proposed site at 611 West Virginia currently does not meet the requirement of two off street parking spaces. The applicant will move the fence along Virginia Avenue to provide that space.

Planner Ruggera reviewed the Staff Observations. The existing daycare school functions well and there have been no reported issues since the school opened. The Fire Marshal and Building Official have inspected the proposed site and found the structure is adequate but fire alarms and

fire extinguishers must be installed. Drop off and pickup locations for 611 West Virginia are proposed using the two off-street spaces and the Virginia Avenue right-of-way. Staff is recommending approval with two Conditions.

Commission Discussion

- Commissioner Tocke asked how many children will be at the new facility. Ms. Pierce replied that there will be about twelve. She said enrollment fluctuates with attrition.
- Commissioner Niemeyer asked if there had been any feedback from the neighbors. Director Westby replied that there has not been because it is a historical use and the neighbors have adjusted.
- Commissioner Tocke asked if the house in-between the two properties had just sold. Ms. Pierce responded that it has been in short sale. She submitted an offer but it was not accepted because they did not want a waiting list of offers. She is hoping that someday the new owners will rent it out to her. She said she will keep the daycare center quiet on both sides and get along with the neighbors.
- Commissioner Beda observed that the ORSCH was on the other side of the alley for a while. He also observed that 611 W. Virginia is close to the alley. Director Westbay responded that it is probably a nonconforming structure. Ms. Pierce stated that the door on that side will be used for an emergency exit only.

Close Public Hearing. Chair Larson closed the public hearing 6:28 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on May 28, 2014, Councilor Ferguson moved, and Commissioner Niemeyer seconded, and the Commission voted to APPROVE Conditional Use application CU 14-1, submitted by Nancy Pierce for the operation of a daycare center, based on the following Findings of Fact and Conditions:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a daycare center (more than 12 children) in the Commercial zone district.
3. The Planning and Zoning Commission finds that the proposed use is compatible with the surrounding neighborhood.
4. The Planning and Zoning Commission finds that the proposed site plan (dated May 21, 2014) complies with the dimensional standards, landscaping and parking requirements of the *Land Development Code*.
5. The Planning and Zoning Commission finds that the applicant meets the Conditional Use review standards stated in the *LDC*.
6. The Planning and Zoning Commission finds that the daycare center provides essential services to the community.

7. The Planning and Zoning Commission finds that the expanded site at 611 West Virginia has been inspected by the Building Official and Fire Marshal and that fire alarms and fire extinguishers are required on the site in accordance with the International Building and Fire codes.
8. The Planning and Zoning Commission finds that the daycare center will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

Conditions:

1. A Change of Occupancy permit shall be obtained with final inspections from the Building Official and Fire Marshal prior to opening.
2. The site is subject to review and approval by the Community Development Director to ensure that two off-street parking spaces are accommodated on the 611 West Virginia site prior to opening.

Roll Call Yes: Ferchau, Tocke, Larson, Cave, Beda, Niemeyer, Ferguson
Roll Call No:
Roll Call Abstain:
Motion carried

Because the Public Hearing for the next agenda item was published to begin at 7:40, Director Westbay invited Russ Forrest, Gunnison County Director of Community Development, and Rick Lamport, County Airport Manager, to provide an update on the *Airport Master Plan* and Community Builders Consortium. The gentlemen addressed the Commission.

Commissioner Ferchau asked if they had received any complaints about the test flights at the airport. Mr. Lamport responded that two complaints were received because the helicopter wasn't operating in the normal place. He explained that the company doing the test flights does tail rotor design and they need to test them at high altitude. The testing requires winds below three miles per hour, which is why the testing is so early in the morning.

Mr. Forrest gave an update on the Courthouse project and said that some walls are being constructed. Commissioner Beda stated it was fortunate no one got hurt when the building started coming down. Director Westbay said that some of the old bricks will be used as an architectural feature on the inside.

Director Westbay stated that the City and County will be involved with the Community Builders Consortium Group, which was formed as an exercise with the Sonoran Institute. It involves community ideas to work collaboratively to further common needs and causes. He said that the line of communication [between the City and County] is important.

Director Westbay said that the County will be starting an *Airport Master Plan* and that he and County staff have talked about him being on the technical advisory committee. He said it is important for the City to be involved.

Mr. Lamport said that the *National Plan of Integrated Systems* was created by the Department of Transportation. The Gunnison-Crested Butte Regional Airport is designated as a Part 139 Airport. Because of that, the Feds need to know where to put the dollars that comes out of the users fees. The FAA distributes the money through a viable master plan. The plan will guide the leveraging of those dollars.

Commissioner Beda and Councilor Ferguson provided anecdotal information about the early days of the airport.

- VII. PUBLIC HEARING AND POSSIBLE ACTION** - Vacation of a recorded right-of-way application, VF 14-1, submitted by Russ Forrest, Gunnison County Community Development Director, for the request to vacate a portion of south 10th Street bounded by Railroad Avenue on the north and the Gunnison – Crested Butte Regional Airport to the east, south and west.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:40 p.m.

Proof of publication. There was proof of publication.

Review of the Process. Planner Ruggera reviewed the process for a Vacation. She stated that this portion of 10th Street has never been used as a thoroughfare.

Applicant Presentation. Russ Forrest stated that the vacation request is for southernmost part of 10th Street that has been owned and maintained by the County. He stated that [to the eye] it already appears that the property is part of the airport. He said that the County needs to have control of the property to be consistent with FAA rules.

Mr. Lamport interjected that the Airport is certified under Part 139 and regulated by the FAA. He said that under Part 139, one of the rules is “proximity” which refers to airspace of defined dimensions. He said that during one of the studies it identified that the old Public Works building was obstructing the airspace. The Airport received an AIP grant to remove the old building. He said that in his title search he found that the southern section of 10th Street hadn’t been vacated and in order to comply with FAA rules the street has to be removed from obstructing airspace. It is part of a land swap for land owned by the County by the observatory. Mr. Forrest interjected that it is an issue of which fund in the County owns which property. The use of that land in the future will be decided in the *Master Plan* process.

Mr. Forrest said that staff looked at the criteria for a Vacation. He said there is a sewer line and stormwater line running through the area. He said staff has discussed the need to establish an easement and will recommend this to the County Planning Commission. He said he appreciates City staff’s perspective and County staff feels the request meets the City’s criteria.

Public Input. There was none.

Staff Presentation: Director Westbay said that to make sure the utilities function appropriately, it is necessary to deal with some dated issues on conveyance of utilities. He said there is a 23-inch main that serves majority of the city running through the Airport property. He said there are historical issues with stormwater as well. He said that these issues can be dealt with in the *Airport Master Plan* and that the City and County staffs can work together to resolve issues.

Commission Discussion

Commissioner Tocke asked when the *Airport Master Plan* process will begin. Mr. Lamport said he hopes to have the kick-off in July and it should be finished in early 2016. He added that, if during the course of the *Master Plan*, some type of development is decided upon, the County would like the flexibility of rerouting the storm drain at its expense, and if so, easement language would be developed.

Councilor Ferguson stated that the applicant has made a compelling argument. He said that normally he would oppose vacating the street because the City has made some mistakes in vacating properties in the past. He said he is not going to oppose this Vacation, but we should ask ourselves if we really need to do this. Chair Larson added that if it was a smaller entity that could move to another section in town, he would be thinking hard about it, but the Airport is important and won't be moving to any other location in town.

Close Public Hearing. Chair Larson closed the public hearing 7:55 p.m.

ACTION

During the regular Planning and Zoning Commission meeting held on May 28, 2014, Commissioner Cave moved, Commissioner Beda seconded, and the Commission voted to recommend APPROVAL to City Council of Vacation Application, VF 14-1 submitted by Gunnison County, to vacate a portion of the 10th Street right-of-way with the following Findings of Fact and Conditions:

Findings of Fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents, staff reports, applicable provisions of the *City of Gunnison Master Plan* and *Land Development Code*, and written and verbal testimony submitted during the public hearing held for this application.
2. The Planning and Zoning Commission finds that the applicant requests that a segment of the south 10th Street right-of-way be vacated.
3. Pursuant to *Colorado Revised Statutes*, upon vacation of the portion of the right-of-way described, the adjoining owners get equal portions. The Planning and Zoning Commission finds that Gunnison County owns property surrounding the vacated right-of-way.
4. The Planning and Zoning Commission finds that the vacation of the south 10th Street segment is not in conflict with future street extensions as contemplated by the *City of Gunnison Master Plan* (2007).
5. The Planning and Zoning Commission finds that the vacation of this ROW segment will not create land-locked parcels or deny legal access to any parcel.
6. The Planning and Zoning Commission finds that the establishment of a 20-foot wide utility easement within the vacated ROW area will allow for the maintenance of a stormwater drain and other public utilities.
7. The Planning and Zoning Commission finds that the FAA awarded Gunnison County with grant leveraging entitlement funding to acquire land for protecting approaches to the airport and for the removal of the old Public Works buildings.
8. The Planning and Zoning Commission finds that the south 10th Street segment is identified as an area that might create an undue risk or interference with the use and operation of the Gunnison-Crested Butte Regional Airport.
9. The Planning and Zoning Commission finds that City Community Development staff will be participating on the steering committee to update the *Gunnison-Crested Butte Regional*

OFFICIAL MINUTES MAY 28, 2014
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

Page 9 of 10

Airport Master Plan. The Commission further finds that utilities will be part of the discussion to determine the location and extent of utility line easements within the airport that are necessary to serve the City and the County's interests.

10. The vacation of the south 10th Street ROW will protect the health, safety and welfare of the community with the following Conditions:

Conditions:

1. The vacated segment of south 10th Street shall reserve a 20-foot utility easement. The location of this easement shall be finalized prior to approval and recording of the 10th Street ROW.
2. Easements for the east/west sewer line shall be recorded prior to, or concurrent with, the approval and recording of the vacated 10th Street right-of-way.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, Ferguson, Beda, Cave

Roll Call No:

Roll Call Abstain:

Motion carried

- VIII. CONSIDERATION OF THE MAY 14, 2014 MEETING MINUTES.** Councilor Ferguson moved and Commissioner Cave seconded, to approve the May 14, 2014 meeting minutes as presented.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, Beda, Cave, Ferguson

Roll Call No:

Roll Call Abstain:

Motion carried

- IX. COUNCIL UPDATE.** Councilor Ferguson advised that the Council took care of some housekeeping items at the May 27th meeting and had nothing to report.

X. COMMISSIONER COMMENTS

- Chair Larson reported that he was involved with interviews for consultants for the *Comprehensive Plan*. He said that all were well-qualified and had excellent strong points and it was very informative.
- Commissioner Beda stated that everyone is looking forward to a good tourist season. He said that Telluride is having a festival every weekend and that last year their 90-day festival schedule produced \$51 million in sales tax revenue.
- Councilor Ferguson stated that the *Master Plan* consultant interviews were the highlight of his week. He said the interviews were well done, interesting, and the applicants had lots of great ideas. He said he is excited to begin the process with terrific partners.

- XI. PLANNING UPDATE.** Director Westbay provided a summary of recent activity in the Community Development Office:

- Staff is working on the Community Analysis for the *Comprehensive Plan*;
- The Growler was last weekend and 700 riders participated;
- Regarding the City Hall renovation, staff is working on the HVAC scope of work;
- Dan Brauch from the Colorado Department of Parks and Wildlife, and Director Westbay went to the CWCB meeting and the City and CPW were awarded \$460,000 for a river

**OFFICIAL MINUTES MAY 28, 2014
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING**

7:00PM

Page 10 of 10

- restoration grant. The entire project will have a \$780,000 value and will take a year and a half;
- He will give City Council an update on fires and flooding next week;
 - Staff is working on the grounding concepts for the *Comprehensive Plan* which is formulation of the basis, goals objectives, and rules of the planning process;
 - Lots of current planning applications are coming in;
 - The Planning and Zoning Commission meetings in June will be on June 4th and June 25th.
 - Commissioner Niemeyer said he will be on business travel on June 25th and asked to be excused from the meeting.

XII. MOTION TO EXCUSE COMMISSIONER NIEMEYER FROM THE JUNE 25, 2014 PLANNING AND ZONING COMMISSION MEETING. Commissioner Cave moved, Councilor Ferguson seconded, and the Commission voted to Excuse Commissioner Niemeyer from the June 25, 2014 P&Z meeting.

Roll Call Yes: Niemeyer, Ferchau, Tocke, Larson, Beda, Ferguson, Cave
Roll Call No:
Roll Call Abstain:
Motion carried

XIII. ADJOURN. Chair Larson adjourned the meeting at 8:00 p.m.

Greg Larson, Chair

Attest:

Pam Cunningham
Secretary